

MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO

JANUARY 12, 2010

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:01 PM on Tuesday, January 12, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Norm Nyberg, Keith Baker, Robert Flint, Brett Mitchell, Duff Lacy, Joel Benson, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Town Planner Shannon Haydin, Public Works Director Roy Gertson, Police Chief Jimmy Tidwell, Fire Chief Darrell Pratt, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Russell led in the Pledge of Allegiance.

PROCLAMATION – “CENSUS AWARENESS YEAR”

Mayor Russell read the Proclamation into the record.

STATE OF THE TOWN ADDRESS

Mayor Russell read her State of the Town Address into the record.

AGENDA ADOPTION

Trustee Baker requested the minutes of the Airport Board 1be placed as Item A under New Business.

Motion #1 by Trustee Benson, seconded by Trustee Mitchell, to adopt the agenda as amended. Motion carried.

CONSENT AGENDA

A. Minutes

1. Regular Meeting – December 8, 2009
2. Special Meeting – December 10, 2009
3. Special Meeting – December 21, 2009
4. Special Meeting – January 6, 2010

B. Advisory Board Minutes

1. Trails Advisory Board

C. Should the Board approve adoption of Resolution #1, Series 2010, entitled “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, DESIGNATING THE PLACE FOR THE POSTING OF NOTICES CONCERNING THE MEETINGS OF THE BOARD OF TRUSTEES”?

D. Should the Board approve adoption of Resolution #2, Series 2010, entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UPPER ARKANSAS AREA COUNCIL OF GOVERNMENTS CONCERNING PARTICIPATION IN THE UPPER ARKANSAS AREA REGIONAL RECYCLING PROGRAM”?

Trustee Baker referenced the last paragraph on page 14 and asked if it was done in malfeasance. Mayor Russell stated the discussion was around “where it was done”. Keith noted in the last paragraph on page

15 Mr. Lovejoy left the Economic Development Corp. Council noted Wayne moved to Texas; Keith asked about doing NIMS training on-line. Sue noted it is an option and we may do one in person also. Trustee Lacy outlined we "will try to schedule".

Motion #2 by Trustee Benson, seconded by Trustee Mitchell, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

No comments were received.

NEW BUSINESS

Airport Board minutes

Trustee Baker referred to page 22 on the completion of the fence work and asked if we determined if the material is at Public Works and have access to it for completion of the work. Discussion followed on the grant is not closed out, we did not re-fence since it was a private fence when the project started and now it belongs to the Town; the engineers believed it met the standards of a secure fence.

Keith asked about E on page 23 and where we stand on getting the contract renewed. Sue stated the current contract expires Feb. 15, since then another company has presented an option for maintaining it and we now have a proposal from them; we were contacted by the existing company who wants to update their request to have the existing contract renewed and this should be on the Jan. 26 or Feb. 9 agenda.

On page 27 there is narrative and page 40 is only information we have. Sue stated this data was prepared by Bob Johnson based on his info dating back to Jan. 2009, the data for 2008 was lost in a computer crash per Bob Johnson who later indicated the information is there. Bob Johnson added some information was reconstructed from hard copies they found dating back to 2007 based on statistics. Trustee Baker asked for a hardcopy.

On Page 30, E at the bottom. Administrator Boyd is hopeful to have a ground lease late January, the package is intended to be distributed to anyone interested in pursuing development of a hangar and a ground lease with all pertinent information they need to know. Keith asked about Item G on code enforcement. Sue noted we are pursuing the codification. Keith noted on page 38 under second paragraph, it is important to look at sales tax that was generated as we "subsidize" the airport. Discussion followed on the Military may be exempt from sales tax if purchases are on a government contract.

Trustee Lacy asked if there is any certification if we have 2 part timers. Sue stated this is the goal.

PUBLIC HEARING – Should the Board approve adoption of Ordinance #1, Series 2010, entitled "AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, AMENDING ARTICLE X OF THE BUENA VISTA MUNICIPAL CODE "REGULATIONS OF GENERAL APPLICATION" BY REPEALING PARKING REGULATIONS FOR THE B-1 ZONE"**?**

Town Planner Haydin noted this issue has been raised by four individuals who are interested in being downtown but would have a difficult time meeting off-street parking requirements; Quincy's moving to Hwy. 24 creates another vacancy and we want to generate business; we reviewed the Assessor data for commercial units to come up with parking demand based on our code and based on commercial space we need 264 spaces to accommodate downtown and have 234 spaces available in on-street parking; P&Z reviewed eliminating the parking requirement in the B1 Zone and for now we feel it is appropriate to eliminate the requirement but work toward a solution in the future.

Mayor Russell opened the public comment portion of the hearing at 7:29 PM with none received and closed the comment portion of the hearing.

Discussion followed on the B1 Zone is "mostly" OT lots with 1800 buildings not constructed for parking; repealing the section dealing with parking in B1 (Sec. 16-232(c) and 16-236 .5); section 4 in the Ordinance should be Section 3.

Motion #3 by Trustee Benson, seconded by Trustee Baker, to adopt Ordinance #1, Series 2010. Trustee Mitchell asked for clarification on Sec. 16-232 (c) totally removes the need for requirement for off-street parking. Roll call vote: Benson-aye, Lacy-aye, Mitchell-aye, Flint-aye, Baker-aye, Nyberg-aye. Motion carried.

Should the Board approve adoption of Resolution #3, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA SUPPORTING THE AGREEMENT BETWEEN THE TOWN OF BUENA VISTA AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND**"?

Town Treasurer Dechristopher noted the Mini Grant we applied for last fall was for rocks and rope structures to be added to the Boulder Garden for children 12 and under; we received \$45,000 (max on the grant) with \$11,000 from the Optimists Club for the majority of the match funds; this was included in the 2010 budget and the resolution is to approve the grant agreement.

Discussion followed on Roy and Christine will work on the project jointly; we will put out an RFP for structures; someone else will set the actual structures and Public Works will put in fall material, Council thanked the Optimist Club for their generosity.

Motion #4 by Trustee Flint, seconded by Trustee Nyberg, to approve Resolution #3, Series 2010. A correction was requested to the date in the Resolution of 1/12/10. Roll call vote: Nyberg-aye, Baker-aye, Mitchell-aye, Benson-aye, Flint-aye, Lacy-aye. Motion carried.

APPOINTMENT OF REFERENDUM PROTEST HEARING OFFICER

Town Clerk Spomer noted a Protest was received at Town Hall yesterday on the Referendum Petition with a hearing to follow and requested the appointment of an outside Hearing Officer, provided a BIO on Kathryn Young, City Clerk for the City of Colorado Springs, who serves as the Liquor and Hearing Officer and also the Hearing Officer on Code Violations in Colorado Springs.

Attorney Phillips noted the protest was received within the allowed time; was filed by Carrie Carey noting several arguments on Ordinance #8 annexing the Meadows. Lee concurred with a separate hearing officer being appointed and concurred with Kathryn's appointment and outlined the hearing timeline and the purpose and noted the petition was in correct format and has the requisite number of signatures.

Motion #5 by Trustee Flint, seconded by Trustee Mitchell, to approve the appointment of Kathryn Young as Hearing Officer. Motion carried.

STAFF REPORTS

TOWN ADMINISTRATOR

Administrator Boyd had the following items to cover:

- The Alternative Energy plan is short term plan; the report is in draft form; met with Kathryn Wadsworth who wants to get preliminary feedback on design of the document. The Steering Committee meets Thursday to discuss the draft that will be a plan each jurisdiction will be asked to adopt and will be on the agenda in February with a presentation. Trustee Flint added they went to the new prison in Canon City and toured the facility, learned a lot of things and looked at their recycling.
- The snow plow at the airport went out of commission in December with a radiator problem, initial estimates were significant to see if that was the best solution to the problem; independent contractors were utilized for doing snow plowing; have not been notified by CDOT for a new snow plow in 2010; Justin in Public Works will replace the radiator and should be completed soon. Roy

noted it costs \$2000 to replace the radiator. Discussion followed on the most efficient way to handle snow plowing, Public Works will augment where it makes sense to do so.

- On the Terminal renovation a question was raised on calculation of occupancy at the airport (no change of use) but Chaffee Building Dept. has questioned it; the Building Department says we need a demolition permit from the State and our Architect says he never had to do that anywhere in Colorado and there are differences of opinion; bids are due Friday but we'll do an addendum to extend the deadline to mid next week otherwise it will be difficult to do after bids are submitted. Potential delay is possibly a month or less.
- Survey work by Jviation on ground leases: spoke with Jviation and clarified the plan was that the contract has three parcel surveys pending a decision of which ground lease will go; they will be done at the time we negotiate the ground lease; we have one actual submittal for ground lease development and will get one survey done shortly with the other pending when the next ground lease comes forward.
- Mayor Russell asked about spending public funds on a report from Leading Edge. Sue was going to present the report to the Airport Board and then the Council but it never got presented to the Trustees and will be in the next packet; discussed with the consultant the concern of the Airport Board on items that were inaccurate and he indicated we should add a GPS to the landing.
- Trustee Baker asked about a phone call Sue received on survey work that needed to be done and expressed concern of the chain of command and not stopping any work. Discussion followed on the contractor understands the point of contact is Sue and not the Airport Board. Discussion held.
- Trustee Lacy noted others are interested in leases and asked if we can contact them. Sue has a list of all those who submitted letters of intent and is working through the list to understand their intention on hangar development.
- Had a meeting with Ron Southard in December and he's interested in something moving on the Development Agreement and wants to work first on the County Road and Gregg Drive. Shannon is working on the project also.
- The Chamber is interested in working with the Town on a "adopt a bump out or bench".
- There is information on the website on the proposed sales tax and bonding question.
- Sue plans to attend the City and County Managers meeting.
- The letter to Nestle was sent; attended the BOCC meeting this morning to consider Nestlé's pending easement for crossing the Arkansas; they postponed the decision with the idea of giving the Town one to two weeks to work with Nestle with the Town sharing an easement and possible construction effort on the project; had a follow-up with Nestle and we have a time-line of the next two weeks; permitting agencies are agreeing that technical changes attached are do-able and acceptable and won't delay the timeframe for Nestle; the Town's next step is to proceed to enter into an easement arrangement similar to Nestlé's agreement.
- We hired a new Zoning Compliance Officer, Tony LaGrecca, who started Monday, he's finishing his Masters in Geography; is going through the sign permits and filling in the spreadsheet of who has permits; of 435, about 100 have no permit associated with them; the next step is to see if they exist or do not have a sign and we are getting closer to seeing who is in compliance. Discussion held.
- Sue was contacted by S. Main about a community garden and staff is in discussions.
- BVTV operations – we are now LIVE tonight but have difficulty broadcasting "taped"; Bresnan is concerned about a lot of "blank" space but will take a few more weeks to broadcast taped material. Trustee Benson spoke with Sam Bricker who has some desire to work with BVTV and hook up his RSN Channel. Sue spoke with him a year ago and again 6 months ago and our priority is to get the equipment to function.
- We did a bulk mailing on the street project and invited all the water customers; have received a lot of surveys back at Town Hall and the last session will be tomorrow night. A decision will be forthcoming January 26.
- Notification on the CDOT Enhancement Grant is still pending on the Arizona Project.
- Trustee Baker asked about the Hwy. 24 corridor plan. Shannon noted none of the business owners came but it was a good meeting; the next step is to meet with business owners one on one to get a feel for their issues/concerns/vision and compile that and bring focus group back

together. Discussion followed on the Russell George meeting helped move things along for Poncha Springs; getting a vision plan together.

- We were not awarded the Recreation Facility Master Plan grant but the Rec. Board is continuing to pursue some sort of plan to work on a timeline, are creating a plan to get speakers to come and have broad community meetings. Mayor Russell requested that staff make sure every effort is made to publicize those efforts.
- The Special Event permitting code and Vendor Cart code will be forthcoming.
- Mayor Russell asked about the Economic Development Corporation. Sue stated that Dennis Giese said they are regrouping and focusing on individual projects and hope for something to come forth soon as all jurisdictions want to hear something soon. Discussion followed. Cara will send an e-mail to Dennis Giese asking for an update.
- The Meadows protest has been filed and an update will be at the Jan. 26 meeting. The Meadows brought in some revisions to the proposed service plan and it is in preliminary staff review.
- Trustee Baker will attend the Housing Trust Meeting tomorrow since they have questions about The Meadows and asked for a Trustee's perspective.
- Atmos Energy modified their proposal for fee increases which may be significant.
- You approved the moratorium for Medical Marijuana Dispensaries and we need to organize the group to put an ordinance together soon. Discussion held on timelines for the moratorium; legislature pending; enacting an emergency ordinance to extend the moratorium.

TOWN TREASURER

- Tax figures will be out tomorrow and will be placed in everyone's box.
- Trustee Benson asked about electric charges on page 105. Christine noted the column on the right is a total charge and the left side is a detail for each amount.
- Trustee Lacy asked about a payment to Miles Construction on page 78. Christine stated it related to the River Park second payment; the Tyler payment is 25% of license fee upfront – this is moving slowly with the lack of an assistant, need to pull data and has hired someone today to start next Tuesday.
- Trustee Benson noted on page 94 a similar charge for Miles for snow for the same amount. Christine stated it could have been for snow plowing. Trustee Lacy asked about Ron Southard paying for his share of the removal. Sue stated the airport traditionally plowed the area between row hangars, in reviewing the ground lease it is supposed to be the holder of the ground lease to do it, but since the airport did it for years and years it is on the to do list to engage Ron Southard to do this. Discussion followed on separation of costs, adopting policies (what do other airports do).
- Trustee Nyberg asked about other Town departments utilizing the Community Center and paying for it. Christine stated there is no charge to the departments.

POLICE DEPARTMENT/CALL REPORT/MUNICIPAL COURT

- Mayor Russell noted a "light" citation report.
- Christine just received a letter from Dale Enck, prosecuting attorney, increasing his hourly rate by 50%; we have paid more than we budgeted in 2009. Staff will research/review the contract.

PUBLIC WORKS DEPARTMENT

- Trustee Benson referenced page 112 #6 and asked about "estimating" water bills for December without the Neptune radio. Roy stated it was based on December 2008 bills and the January reading will justify everything. Joel asked about resolutions for Sunset IV. Sue spoke with Debbie Rauch and they will talk about this and come to an understanding of their plans.
- Mayor Russell noted on-going street maintenance and noted Gregg Drive is extremely bumpy. Roy noted they worked on it today.
- Roy Gertson stated Wright Water Engineering received a survey of the Leesmaugh Meadow, will evaluate the topography of the service vs. pizometer reading and come up with a potential of what we have dried up in the Meadow by this spring.
- Trustee Nyberg asked about snowfall at higher elevations. Roy stated 24" of snow is pretty slim as seen on the avalanche snow website. Trustee Baker noted the Denver Post showed 86% statewide.
- Trustee Benson asked if there were any updates because of federal regulations on the 2013 date to upgrade the treatment plant. Roy stated Doug is attending a ground water seminar on ground

water resources this Spring, as far as the 2013 deadline was not sure what federal mandates are but will look at ground water rule; new monitoring is required and we are on "top of it".

TRUSTEE/STAFF INTERACTION

- Mayor Russell asked Administrator Boyd to speak with Darrell about a Fire Dept. report.
- Town Planner Haydin submitted a report on the Comprehensive Master Plan Implementation Analysis that she is working on with Mayor Russell's question on "how do we know where we are on implementation of the Comp Plan"; provided a template and noted there are 3 impacts (fiscal, code revision, administrative implementation), as staff reviews goals/policies we will decide which column they fall under and then prioritize them. Discussion held.
- Mayor Russell reminded everyone of a scheduled follow up meeting with the Airport Board on Feb. 1 at 6:30 at the airport; Cara asked if any other information was received by the Town Clerk on the Intergovernmental Work Session scheduled for January 26. Town Clerk Spomer noted she notified Patty Turner of the Council meeting that night and received no new information.

EXECUTIVE SESSION - for discussion of a personnel matter under CRS 24-6-402 (4) (f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees but to discuss the Town Attorney position

Motion #6 by Trustee Benson, seconded by Trustee Baker, to enter into Executive Session for discussion of a personnel matter under C.R.S. 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees but to discuss the Town Attorney position.

Those present for the Executive Session were Mayor Russell, Trustees Joel Benson, Robert Flint, Brett Mitchell, Keith Baker, Duff Lacy, Norm Nyberg and Town Administrator Sue Boyd. Executive Session was held from 9:21 PM to 9:26 PM.

Motion #7 by Trustee Benson, seconded by Trustee Nyberg, to adjourn to Regular Session. Motion carried.

Motion #8 by Trustee Baker, second by Trustee Flint, to offer the position of Town Attorney to Jeff Parker and to direct staff to negotiate a contract. Motion carried unanimously.

ADJOURNMENT

Motion #9 by Trustee Benson, seconded by Trustee Baker, noting that there being no further business to come before the Board declared that the meeting be adjourned at 9:32 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer